

E-Filed 3/4/09

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALFONSO CERVANTES REYES,

Defendant.

Case Number CR 05-516 JF

ORDER VACATING MOTION TO
PROCEED IN PRO PER ON APPEAL;
AND GRANTING APPLICATION
FOR COURT REPORTERS'
TRANSCRIPT

[re: document nos. 161, 162]

On November 12, 2008, this Court sentenced Defendant Alfonso Cervantes Reyes ("Defendant") pursuant to his guilty plea as to count 1 of the indictment, conspiracy to distribute fifty grams or more of methamphetamine in violation of 21 U.S.C. §§ 846 and 841(b)(1)(A)(viii). The Court sentenced Defendant to 192 months imprisonment, ten years supervised release and a \$100 special assessment. Defendant, acting pro se, filed a notice of appeal on November 19, 2008. The Court entered judgment with respect to Defendant on November 26, 2008.

On December 12, 2008, Defendant filed a motion for leave to proceed pro se on appeal. There is no provision of the Federal Rules of Criminal Procedure or Federal Rules of Appellate Procedure requiring or permitting a criminal defendant to seek the district court's leave to proceed on appeal pro se. Accordingly, this Court will vacate Defendant's motion seeking such

1 leave.

2 On December 16, 2008, Defendant filed an application for an order directing that he be
3 provided with a complete transcript of the proceedings in his case. That motion will be granted.

4 **ORDER**

5 (1) Defendant's motion for leave to proceed on appeal pro se is VACATED.

6 (2) Defendant's motion for an order directing that he be provided with a transcript of
7 the proceedings in his case is GRANTED. The Clerk of the Court shall provide
8 Defendant with a complete transcript of all proceedings in his case as soon as is
9 practicable.

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13 DATED: 3/4/09

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15 JEREMY FOGEL
16 United States District Judge
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Copies of Order served on:

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